

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

* * * * *

Barbara Larson Meyers,

No. 13-cv-3161 (PAM/LIB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Carolyn W. Colvin,
Commissioner of Social Security,

Defendant.

* * * * *

This matter came before the undersigned United States Magistrate Judge upon a routine supervision of the cases that pend before the Court, and pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636(b)(1)(A).

Barbara Larson Meyers (“Plaintiff”) commenced this action on or about November 18, 2013, by filing a Complaint with the Clerk of Court. (See [Docket No. 1]). By this action, Plaintiff seeks review of the final decision of the Commissioner of the Social Security Administration (“Defendant”), that denied Plaintiff’s Application for Disability Insurance Benefits. (Id.)

On February 4, 2014, as is required by the Local Rules of the District, the Defendant filed her Answer, [Docket No. 9], and a certified copy of the Transcript of the Administrative Record in this matter, [Docket No. 10]. Defendant served her Answer and the Administrative Record on Plaintiff via U.S. Mail. (Certificate of Service [Docket No. 11]). After it appeared that more than sixty (60) days had passed since Plaintiff was served with Defendant’s Answer and the Administrative Record, the Court issued an Order directing Plaintiff to show good cause, in writing,

within ten (10) days of the date of the Order, for an extension of time by which to file her motion for summary judgment. (Order [Docket No. 14]).

The Court received Plaintiff's letter requesting an extension of time on April 28, 2014. (Letter [Docket No. 15]). In response, the Court granted Plaintiff an extension of time by which to file her motion for summary judgment. The Court ordered Plaintiff to file her motion for summary judgment and supporting memorandum **by no later than Tuesday, May 13, 2014**, and that **no further extensions would be granted**. (Order [Docket No. 16]). The Court further notified Plaintiff that in the event she failed to timely file her motion for summary judgment as instructed, the Court would recommend that the present action be dismissed for failure to timely file and for failure to prosecute.

Now, for the foregoing reasons,

IT IS HEREBY RECOMMENDED:

That the present action be dismissed without prejudice for failure to comply with the Court's Orders at Docket Numbers 12, 14, and 16, and for failure to prosecute.

BY THE COURT:

Dated: May 21, 2014

s/Leo I. Brisbois
Leo I. Brisbois
U.S. MAGISTRATE JUDGE

N O T I C E

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties **by June 4, 2014**, a writing that specifically

identifies the portions of the Report to which objections are made and the bases for each objection. A party may respond to the objections within **fourteen (14) days** of service thereof. Written submissions by any party shall comply with the applicable word limitations provided for in the Local Rules. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment from the District Court, and it is therefore not directly appealable to the Court of Appeals.